

**FILED
UNDER
SEAL**

Prob12C
D/NV Form
Rev. March 2017

United States District Court
for
the District of Nevada

PETITION FOR SUMMONS
FOR OFFENDER UNDER SUPERVISION

Name of Offender: **Ricardo Martinez**

Case Number: **2:01CR00166**

Name of Sentencing Judicial Officer: **Honorable Roger L. Hunt**

Date of Original Sentence: **December 14, 2001**

Original Offense: **Conspiracy to Distribute a Controlled Substance**

Original Sentence: **135 Months imprisonment, followed by 5 years supervised release.**

Date of Prior Revocation: **February 27, 2019**

Revocation Sentence: **6 Months imprisonment concurrent with 2:03CR00295, followed by 53 months supervised release.**

Date Supervision Commenced: **June 18, 2019**

Name of Assigned Judicial Officer: **Honorable James C. Mahan**

PETITIONING THE COURT

☒ To issue a summons:

The probation officer believes the offender has violated the following condition(s) of supervision:

1. **Do Not Unlawfully Use Controlled Substance** - You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court, not to exceed 104 tests annually.

RE: Ricardo Martinez

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- A. On March 10, 2020, Martinez failed to submit a required drug/alcohol test. On March 12, 2020, the undersigned officer directed Martinez to report to the probation office to submit a drug test. Martinez complied with this directive and submitted a drug test which was positive for methamphetamine. Martinez admitted to the use of methamphetamine during his birthday celebration 4 days prior to this visit.
- B. On April 13, 2020, the undersigned officer contacted Martinez regarding a missed drug test on April 11, 2020. During the conversation Martinez admitted to the use of methamphetamine on April 9, 2020. It should be noted that Martinez attended a treatment intake on April 9, 2020, he admitted using methamphetamine prior to this visit.
- C. On May 5, 2020, Martinez tested positive for methamphetamine. The undersigned officer contacted Martinez regarding his positive drug test. Martinez admitted to the use of methamphetamine on May 4, 2020.
- D. Martinez failed to report for required drug/alcohol testing on the following dates:

January 20, 2020

March 10, 2020

April 9, 2020

April 10, 2020

April 11, 2020

April 18, 2020

- 2. **Report Police Contact Within 72 Hours** - If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.

On March 19, 2020, Martinez was questioned by the Las Vegas Metropolitan Police Department regarding a shooting that occurred at his residence. As of this date, Martinez has failed to report the contact with law enforcement.

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U.S. Probation Officer Recommendation:

The term of supervision should be:

☒ Revoked

I declare under penalty of perjury that the
information contained herein is true and correct,

Executed on **May 15, 2020**



Digitally signed by Brianna M King
Date: 2020.05.18 09:50:25 -07'00'

Brianna King
United States Probation Officer

Approved:

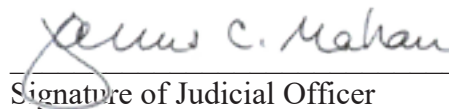


2020.05.18
09:43:29 -07'00'

Joy Gabonia
Supervisory United States Probation Officer

THE COURT ORDERS

- ☐ No Action.
☐ The issuance of a warrant.
☒ The issuance of a summons.
☐ Other:



Signature of Judicial Officer

May 18, 2020

Date

RE: Ricardo Martinez

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**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA
UNITED STATES V. RICARDO MARTINEZ, 2:01CR00166**

**SUMMARY IN SUPPORT OF PETITION FOR SUMMONS
May 15, 2020**

On December 14, 2001, The Honorable Roger L. Hunt sentenced Martinez to 135 months of imprisonment, followed by 5 years of supervised release for committing the offence of Conspiracy to Distribute Controlled Substances. Supervised release commenced on August 3, 2018, in the District of Nevada.

During Martinez's first term of supervision he had multiple violations to include methamphetamine use, and traffic violations. On February 27, 2019, supervised release was revoked, and Martinez was sentenced to six months imprisonment, followed by 53 months of supervised release. His second term of supervised release commenced on June 18, 2019, in the District of Nevada.

On March 26, 2020, after approximately nine months on supervised release, a report was submitted to Your Honor advising that Martinez violated his release conditions by testing positive for methamphetamine use on March 13, 2020. Further it was reported that Martinez reported to the office as instructed and admitted in writing to the use of methamphetamine. In response to his positive drug test, Martinez was referred to substance abuse treatment to help him achieve his sobriety.

As indicated in the petition, on March 19, 2020, Martinez was questioned by the Las Vegas Metropolitan Police Department (LVMPD), regarding a shooting that occurred outside his residence. To this date, Martinez has failed to inform the undersigned officer of any contact he had with LVMPD. It should be noted that since March 19, 2020, Martinez has had contact with the undersigned officer on three separate occasions giving him ample time to report the contact with LVMPD. The undersigned officer has not further questioned Martinez regarding the shooting as the case is still under investigation.

On April 9, 2020, Martinez failed to report for required drug/alcohol drug testing. On April 13, 2020, the undersigned officer spoke with Martinez regarding his missed drug test. During the conversation Martinez admitted to the use of methamphetamine on April 9, 2020. It should be noted that Martinez completed his treatment intake on April 9, 2020, and admitted to using methamphetamine prior to his treatment intake.

On May 4, 2020, LVMPD was called to Martinez's residence in response to a possible person with a gun. Upon arrival, Martinez's mother advised that Martinez was acting strange and stating that he was being chased by a person with a gun. At the time, she believed that he was under the influence of illicit drugs. Officer's interviewed Martinez but did not find that a crime had been committed. On May 5, 2020, Martinez submitted a drug test that yielded a positive result for methamphetamine. On May 7, 2020, the undersigned officer contacted Martinez regarding his

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positive drug test. Martinez admitted to the use of methamphetamine on May 4, 2020. As stated in the petition, Martinez has failed to report for 6 drug/alcohol tests and admitted to the use of methamphetamine on 3 separate occasions since commencement of his second term of supervised release.

Given Martinez's continued use of methamphetamine, his continued noncompliance, and his lack of responsiveness to treatment, he is viewed as a threat to himself and the community. Therefore, the probation office respectfully recommends the issuance of a summons to initiate revocation proceedings.

Respectfully submitted,



Digitally signed by
Brianna M King
Date: 2020.05.18
09:51:49 -07'00'

Brianna King
United States Probation Officer

Approved:



2020.05.18
09:43:59 -07'00'

Joy Gabonia
Supervisory United States Probation Officer